

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96CV01285
	)	(Judge Robertson)
DIRK KEMPTHORNE, Secretary of the Interior,	)	
<u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF FILING OF THE THIRTY-FIRST QUARTERLY REPORT  
FOR THE DEPARTMENT OF THE TREASURY**

The Department of the Treasury has prepared its *Thirty-First Quarterly Report on Actions Taken By the Department of the Treasury to Retain IIM-Related Documents Necessary For an Accounting* and submits it to the Court in accordance with this Court's Order of December 21, 1999.

A copy of the report is attached hereto.

Dated: September 4, 2007

Respectfully submitted,  
PETER D. KEISLER  
Assistant Attorney General  
MICHAEL F. HERTZ  
Deputy Assistant Attorney General  
J. CHRISTOPHER KOHN  
Director

/s/ John J. Siemietkowski  
ROBERT E. KIRSCHMAN, Jr.  
(D.C. Bar No. 406635)  
Deputy Director  
JOHN J. SIEMIETKOWSKI  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
P.O. Box 875  
Ben Franklin Station  
Washington, D.C. 20044-0875  
Phone (202) 514-3368  
Fax (202) 514-9163



DEPARTMENT OF THE TREASURY  
BUREAU OF THE PUBLIC DEBT  
WASHINGTON, DC 20239-0001

September 4, 2007

MEMORANDUM FOR: PETER D. KEISLER  
ASSISTANT ATTORNEY GENERAL  
CIVIL DIVISION  
U.S. DEPARTMENT OF JUSTICE

FROM: PAUL G. WOLFTEICH *Brian Self for Paul Wolfteich*  
CHIEF COUNSEL  
BUREAU OF THE PUBLIC DEBT  
DEPARTMENT OF THE TREASURY

SUBJECT: THIRTY-FIRST QUARTERLY REPORT  
*COBELL v. KEMPTHORNE*

Included with this cover memorandum is the Thirty-First Quarterly Report on Actions Taken by the Department of the Treasury to Retain IIM-Related Documents Necessary for an Accounting (the Report). The Report has been prepared by the Department of the Treasury pursuant to the Court Order and Opinion in *Cobell v. Babbitt* (D.D.C. CV No. 96-1285), filed December 21, 1999.

The Report includes information concerning the Financial Management Service ("FMS"), the Bureau of the Public Debt ("BPD"), and certain Departmental Offices ("DO"). The Report was prepared based on information provided by a number of program offices from the above-described organizations. The preparation of the Report included circulation of drafts of the Report to program offices that are responsible for the actions described in the Report. Comments were received from those offices and incorporated in the Report. Senior officials of FMS, BPD and DO reviewed the Report before it was submitted to the Department of Justice.

The Department of the Treasury stands ready to respond to any questions or concerns the Court may have after reviewing the Report.

**THIRTY-FIRST QUARTERLY REPORT ON ACTIONS TAKEN  
BY THE DEPARTMENT OF THE TREASURY TO RETAIN  
IIM-RELATED DOCUMENTS NECESSARY FOR AN ACCOUNTING**

*Cobell v. Kempthorne*

September 4, 2007

This is the Thirty-First Quarterly Report filed by the Department of the Treasury (“Treasury”) pursuant to the Court’s December 21, 1999 Order (“Order”) in the above-captioned case. It covers activities occurring over a three-month period from June 1, 2007 through August 31, 2007. The Order requires Treasury to report on the steps it has taken since the last quarterly report to preserve IIM-related documents.

During the past quarter, Treasury again issued retention reminders to employees and third parties, reminding them to continue preserving records related to this litigation. The reminders Treasury issued include letters to banks (see Attachments A and D), Secret Service (see Attachment C) and the National Archives and Records Administration (NARA) (see Attachments E and F), and memoranda to employees of Treasury’s Departmental Offices (DO), Bureau of the Public Debt (BPD), and Financial Management Service (FMS) (see Attachments B, G and H).

In June 2007, Bank of America (the bank) informed FMS of the unauthorized destruction of several boxes of records by an off-site storage contractor used by the bank, including fifteen boxes containing government records. FMS notified the Department of Justice of the incident on June 15, 2007. FMS subsequently provided a written report, which was filed in this case on July 11, 2007, describing the records that were destroyed and confirming that the bank was able to reconstruct most of the contents by using data in FMS’ CA\$HLINK system. Since filing its report, FMS has obtained further information about the contents of the 15 boxes of government records. Specifically, an evaluation of the data for the eleven boxes whose contents have been reconstructed from CA\$HLINK revealed that more than 98% of the 119,838 items in those eleven boxes did not relate to Indian trust transactions. Only 1,444 items in the eleven boxes represented Bureau of Indian Affairs (BIA) transactions that might have been Indian trust-related, and those are likely to include a mixture of IIM, tribal trust, and non-trust items. There is no indication that the percentage of non-trust items would be any different for the three boxes of deposit tickets and debit vouchers for which the data is more complicated to recreate (due to the transfer of deposit-related activity among different bank locations) and which therefore have not yet been analyzed. Moreover, the electronic data in CA\$HLINK, which is available for all of the deposit tickets and debit vouchers that were in the destroyed boxes, should provide sufficient information to enable the depositing agencies to retrieve their physical copies of any items destroyed. Banks provide copies of these items to depositing agencies at the time of the transactions.

In June 2007 the Federal Reserve notified FMS that the Federal Reserve Bank of San Francisco (FRB) had been unable to locate nine boxes containing Treasury fiscal agency records while processing thousands of boxes for transfer from an off-site storage facility to a Federal Records Center. The FRB subsequently located two of the boxes at

the storage facility but identified an additional five missing boxes before completing the transfer project in mid-August 2007. The twelve missing boxes contained both Treasury-related and non-Treasury-related records. The only potentially litigation-related records in the missing boxes were duplicate materials prepared by depository institutions, which included cash letters (i.e., listings of Treasury checks and other items drawn on Treasury) and copies of related Treasury forms. The FRB confirmed that the originals of these records have been retained indefinitely in the FRB's accounting department and remain available from that alternative source.

As reported in Treasury's Twenty-Seventh Quarterly Report, a portion of FMS' working copy set of microfilm copies of negotiated Treasury checks was exposed to water when the basement of FMS' Hyattsville, Maryland office flooded on June 25, 2006. FMS procured the services of a contractor to wash any water-exposed microfilm containing check copies for which original checks may not be available. The microfilm (approximately 2,000 cartridges in total) has been washed and returned by the contractor, with the exception of twenty cartridges (1%) that contained film too brittle to wash. The cartridges have been re-boxed for shipment to the Washington National Records Center, and will be shipped to that facility upon completion of paperwork with NARA.

## **INDEX TO ATTACHMENTS**

*The Department of the Treasury's Thirty-First Quarterly Report  
September 4, 2007*

- |                     |  |
|---------------------|--|
| <b>Attachment A</b> | August 3, 2007 letters issued by FMS to Mellon Bank and Bank of America, reminding them to continue preserving all records pertinent to two lockbox accounts used to process IIM deposits (the account at Mellon Bank is open; the account at Bank of America is closed).  |
| <b>Attachment B</b> | August 6, 2007 retention directive issued to all DO employees, and posted on DO's intranet site, superseding all prior retention instructions issued regarding the Cobell lawsuit, and including steps for sending e-mail documents to DO's dedicated "Cobell" mailbox.  |
| <b>Attachment C</b> | August 9, 2007 letter issued by FMS, reminding the U.S. Secret Service to continue preserving, until further notice, all Treasury checks that FMS forwards for investigation and related information and records.  |
| <b>Attachment D</b> | Examples of August 2007 Business Alert Message issued by FMS to all banks that act as Treasury's financial agents and August 17, 2007 letter issued by FMS to all banks that formerly acted as Treasury's financial agents, reminding them to continue to retain, indefinitely, records associated with Interior's deposits to the Treasury General Account. |
| <b>Attachment E</b> | August 21, 2007 letter from BPD to NARA, reminding NARA to continue the "freeze" on BPD records at Federal Records Centers.  |
| <b>Attachment F</b> | August 27, 2007 letter from FMS to NARA, reminding NARA to continue the "freeze" on FMS records at Federal Records Centers.  |
| <b>Attachment G</b> | Global e-mail issued August 27, 2007 to all FMS employees, and posted on FMS' intranet site, reminding employees to continue retaining records related to this litigation indefinitely and to continue utilizing the "Cobell Archive" mailbox to retain all IIM-related e-mail.  |
| <b>Attachment H</b> | Global e-mail issued August 29, 2007 to all BPD employees, and posted on BPD's intranet site, reminding employees to continue preserving IIM-related records indefinitely and sending all IIM-related e-mail to BPD's dedicated mailbox.   |



DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
WASHINGTON, D.C. 20227  
August 3, 2007

Attachment A  
(1 of 2)

Ms. Elaine Friedman, Vice President  
Mellon Bank  
Mellon Client Service Center  
Suite 1260  
Pittsburgh, PA 15259-0001

Re: Minerals Management Service Lockbox Account  
Agency Location Code 14170001, Lockbox Number 911-4258

Dear Ms. Friedman:

As you know, FMS remains under a continuing court order in Cobell, et al. v. Norton, et al. to preserve, indefinitely, all records relating to Individual Indian Money (IIM) trust funds and trust assets. Accordingly, please continue to retain all documentation pertaining to the above-referenced lockbox account until further notice. You have confirmed that the records for this account include:

Standard Form 215  
Standard Form 5515  
ACH Receiving Remittance/Payment Report  
Demand Deposit Account Activity Statements  
any forms used to facilitate internal processing, such as the CASH-LINK II  
Deposit Report Form

You must retain the records for this account IN ALL FORMS AND MEDIA generated for the account. This includes paper, electronic, microfilm, microfiche, or any other media. If you create the same record in multiple media, you must retain the record in all media.

Please distribute this letter to appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact me at (202) 874-6847. Thank you for your continued cooperation.

Sincerely,

A handwritten signature in black ink that reads "Michael Mackay". The signature is written in a cursive style with a large, stylized "M" and "K".

Michael Mackay  
Director  
General Revenue Collection Division



DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
WASHINGTON, D.C. 20227  
August 3, 2007

Attachment A  
(2 of 2)

Mr. Stephen C. Herndon, Senior Vice President  
Bank of America  
Federal Government Banking Division  
600 Peachtree Street, NE  
Atlanta, GA 30308-2214

Re: Bureau of Indian Affairs - Palm Springs Lockbox Account (closed 11/1/05)  
Agency Location Code 00004844, Lockbox Number 72758

Dear Mr. Herndon:

As you know, FMS remains under a continuing court order in Cobell, et al. v. Norton, et al. to preserve, indefinitely, all records relating to Individual Indian Money (IIM) trust funds and trust assets. Notwithstanding the fact that the above-referenced lockbox account was closed effective November 1, 2005, please continue to retain all documentation pertaining to the account until further notice. You have confirmed that the account records include:

- Standard Form 215
- Standard Form 5515
- Check copies
- Monthly Account Activity Reports (MAAR)
- Monthly Account Analysis Statements (MAAS)
- Standard Listing
- Any forms used to facilitate internal processing, such as the Daily Balance Sheet

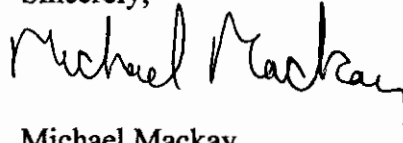
Your bank must continue to retain the records for this account IN ALL FORMS AND MEDIA that were generated. Accordingly, notwithstanding that your bank began generating photocopies of the checks associated with this account on October 1, 2001, you must continue retaining any duplicate copies on microfilm, unless and until FMS obtains court approval for your bank to retain only pre-October 2001 microfilm copies and post-September 2001 photocopies.

Page 2 – Mr. Herndon

Please distribute this letter to appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact me at (202) 874-6847.

Thank you for your continued cooperation.

Sincerely,

A handwritten signature in black ink that reads "Michael Mackay". The signature is written in a cursive style with a large, stylized "M" and "A".

Michael Mackay  
Director  
General Revenue Collection Division

cc: Linda S. Corbett, Senior Vice President, Bank of America






GENERAL COUNSEL

DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C.

AUG 6 2007

## MEMORANDUM TO ALL DEPARTMENTAL OFFICES EMPLOYEES

FROM: ROBERT F. HOYT 

SUBJECT: Obligation to Retain Materials for Indian Litigation

The Department of the Treasury remains involved in numerous lawsuits filed by Native American individuals and tribes alleging that the U.S. Government owes an accounting for their trust funds or has mismanaged their trust funds and property. To ensure compliance with court retention orders and other litigation responsibilities, **Departmental Offices employees must retain all materials -- whether in paper, electronic (including e-mail or voice-mail), or tangible form -- that meet any of the criteria described below.** These criteria are broader than legally required and are designed only for Departmental Offices materials.

1. Materials that mention or relate to Individual Indian Money or Individual Indian Money accounts.
2. Materials that mention or relate to tribal funds or tribal fund accounts. For example, material relating to the depositing, investing, disbursing, or accounting of tribal funds must be retained.
3. Materials that mention or relate to any delay between the issuance of government checks and the redemption of investments in government accounts to cover those checks -- sometimes called "check float." This criterion is not limited to Indian or tribal trust funds.

Attached are instructions for retaining e-mails and voice-mails by forwarding them to dedicated mailboxes.

You are required to retain these materials until further notice from this Office. If you have questions regarding the retention of particular materials, please contact Peter Bieger, Deputy Assistant General Counsel (Banking and Finance) at (202) 622-1975. The retention orders from *Cobell v. Kempthorne* and the tribal trust lawsuits are located on Treasury's intranet at <http://home.do.treas.gov/litigations> and are incorporated herein by reference. This memorandum takes the place of earlier instructions issued in connection with the *Cobell* and tribal trust lawsuits. Thank you for your continued attention to this important matter.

Attachment: Instructions for using the dedicated Cobell and tribal mailboxes for retaining e-mails and voice mails.

## **Attachment**

### **Instructions for using the dedicated Cobell and tribal mailboxes for retaining e-mails and voice-mails**

#### **Cobell materials retention procedures**

##### **To retain e-mails:**

1. Send a "cc" (not a "bcc") of all e-mails (including attachments) that you initiate, that relate in any way to Individual Indian Money or Individual Indian Money accounts, to the dedicated e-mailbox at the following mailbox address: *cobell@do.treas.gov* or just *Cobell*.

2. Forward any e-mail that you receive, or have previously received and not already forwarded, (including attachments and retaining forwarding history) that relate in any way to Individual Indian Money or Individual Indian Money accounts, to the dedicated e-mailbox at the following mailbox address: *cobell@do.treas.gov* or just *Cobell*, unless you can tell from the message that the e-mail has already been sent to the dedicated e-mailbox.

#### **Tribal trust materials retention procedures**

##### **To retain e-mails:**

1. Send a "cc" (not a "bcc") of all e-mails (including attachments) that you initiate, that relate in any way to (a) tribal funds or tribal fund accounts or (b) any check float afforded to any invested government account, to the dedicated e-mailbox at the following mailbox address: *tribal@do.treas.gov* or just *tribal*. Please ensure that the tribe's name, if any, is included in the subject heading.

2. Forward any e-mail that you receive, or have previously received and not already forwarded, (including attachments and retaining forwarding history) that relate in any way to (a) tribal funds or tribal fund accounts or (b) any check float afforded to any invested government account, to the dedicated e-mailbox at the following mailbox address: *tribal@do.treas.gov* or just *tribal*, unless you can tell from the message that the e-mail has already been sent to the dedicated e-mailbox.

##### **To retain voice-mails:**

Forward all applicable voice messages that relate in any way to (a) tribal funds or tribal fund accounts or (b) any check float afforded to any invested government account, to the dedicated voice-mailbox in accordance with the following instructions:

- press 1 after (or while listening to) a new or saved message;
- press 2 to forward with comment;
- voice a comment and identify the relevant tribe, if any (e.g., "Message for tribal mailbox-Jicarilla Tribe"), then press #;
- enter extension 91313, then press #;
- press #, then press # again to send (forward).

At the request of the Department of Justice, please review the header of each voice message being forwarded and, when voicing a comment include the identity of the caller, the time and date of the message, the duration of the message, and the extension of the caller.

Please note that the *Cobell* and tribal e-mailboxes have been copied on the e-mail message conveying this memorandum.



DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
HYATTSVILLE, MD 20782

Attachment C

AUG -9 2007

Brian K. Nagel  
Assistant Director,  
Office of Investigations  
U.S. Secret Service  
950 H Street, N.W.  
Washington, D.C. 20223

Re: Document Retention Order in Cobell, et al. v. Norton, et al.  
Civ. No. 1-96CV01285 (D.D.C.)

Dear Mr. Nagel:

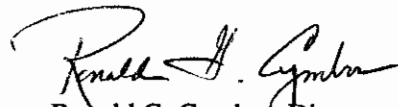
This is a reminder that Treasury remains subject to a continuing court order in the above-referenced lawsuit, requiring Treasury to retain, indefinitely, "all documents and data relating to Individual Indian Money trust funds and Individual Indian trust assets." Copies of the document retention order entered in the case on August 12, 1999 and Treasury's Stipulation filed with the court on July 6, 1999 were provided with some of our previous reminder letters to Secret Service, including our reminder letter dated August 26, 2003. Please let me know if you need copies of those documents.

As stated in our previous reminder letters to Secret Service, among the types of records that Treasury must preserve to comply with the court order and Stipulation are all Treasury checks and check-related records. Accordingly, please continue to preserve, until further notice, all Treasury checks that FMS forwards to your bureau for investigation and all information and records your bureau maintains relating to those checks. Please continue to take all steps necessary to determine and document that all such records in the possession of Secret Service are being preserved indefinitely.

If you have any questions concerning the Cobell document retention order and Stipulation, please contact Beth Kramer in the FMS Chief Counsel's office, at (202) 874-7036, or me, at (202) 874-7913.

Thank you for your continued cooperation and assistance.

Sincerely,



Ronald G. Cymbor, Director  
Financial Processing Division

cc: Thomas Dougherty, Office of Chief Counsel, U.S. Secret Service – Fax #202/406-6544  
Beth Kramer

**[Business Alert Message (BAM) for Current TGAs]**

This is a reminder to continue preserving records in accordance with FMS' prior instructions to your financial institution. As stated in our initial letter dated July 9, 1999 and each successive reminder letter, including the most recent Broadcast Administrative Message issued in February 20, 2007, due to ongoing litigation [Cobell, et al. v. Norton, et al., Civ. No. 1-96CV01285 (D.D.C.)], your financial institution must retain, until further notice:

Standard Form 215, Standard Form 5515 and any supporting documentation, IN ALL FORMS AND MEDIA, associated with transactions relating to deposits received from the Department of the Interior for credit to the Treasury's General Account (TGA). This includes paper, electronic, microfilm, microfiche, or any other media.

If you have not already done so, please designate a point of contact at your financial institution to disseminate these record retention instructions to appropriate personnel at your organization (including records management personnel). Please ensure that an appropriate dissemination and compliance process is in place to ensure these instructions are being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to the Over-the-Counter Revenue Collection Division at 401 14th Street, S.W., Room 307C, Washington, DC 20227.

If you have any questions, contact the Federal Reserve Bank of St. Louis at 1-866-771-1842 or Ava Singleton on (202) 874-9986.



DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
WASHINGTON, D.C. 20227

**Attachment D**  
**(2 of 2)**

August 17, 2007

Dear Sir or Madam:

This is a reminder to continue preserving records in accordance with FMS' prior instructions to your financial institution. As stated in our initial letter dated July 9, 1999 and each successive reminder letter, including our most recent reminder letter dated February 28, 2007, due to ongoing litigation [Cobell, et al. v. Norton, et al., Civ. No. 1-96CV01285 (D.D.C.)], your financial institution must retain, until further notice :

Standard Form 215, Standard Form 5515 and any supporting documentation, IN ALL FORMS AND MEDIA, associated with transactions relating to deposits received from the Department of the Interior for credit to the Treasury's General Account (TGA). This includes any such records formerly maintained by the financial institutions shown on the attached list, now in your possession, custody or control. This includes paper, electronic, microfilm, microfiche, or any other media.

If you have not already done so, please designate a point of contact at your financial institution to disseminate these record retention instructions to appropriate personnel at your organization, including records management personnel. Please ensure that an appropriate dissemination and compliance process is in place to ensure these instructions are being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to the Over-the-Counter Revenue Collection Division (OTCD) at 401 14th Street, S.W., Room 307C, Washington, DC 20227, as soon as possible.

Thank you for your continuing cooperation in this matter. If you have any questions, the first point of contact is the Federal Reserve Bank of St. Louis at 1-866-771-1842. Should you have further questions, feel free to contact Ava Singleton on (202) 874-9986.

Sincerely,

A handwritten signature in black ink, which appears to read "Corvelli A. McDaniel", is written over a horizontal line.

Corvelli A. McDaniel, Director  
Over-the-Counter Revenue Collection Division (OTCD)  
A/C Federal Finance



DEPARTMENT OF THE TREASURY  
BUREAU OF THE PUBLIC DEBT  
PARKERSBURG, WV 26106-1328

Attachment E

August 21, 2007

National Archives and Records Administration  
Life Cycle Management Division  
Attention: Stephen Cooper  
8601 Adelphi Road  
College Park, MD 20740-6601

Re: Suspending Destruction

Dear Mr. Cooper:

As you are aware, the Bureau of the Public Debt (BPD), Department of the Treasury, has been under court order since August 1999 to preserve all documents relating to the pending litigation, Cobell v. Kempthorne, et al., which challenges the government's management of the Individual Indian Monies (IIM).

The purpose of this letter is to remind you that BPD remains under court order to preserve records indefinitely for purposes of the Cobell litigation. Therefore, we request that the Federal Records Centers continue to implement the freeze on all records from BPD Record Groups 53 and 82 and preserve all such records until further notice.

Thank you for your cooperation in this matter.

Sincerely,

Vicki Thorpe, Manager,  
Graphics, Printing, and Records Branch  
Records Officer



DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
HYATTSVILLE, MD 20782

August 27, 2007

Thomas E. Mills  
Assistant Archivist for Regional Records Services  
National Archives and Records Administration  
Office of Regional Records Services  
8601 Adelphi Road, Suite 3600  
College Park, MD 20740

Dear Mr. Mills:

The purpose of this letter is to remind you that Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, remains under court order to preserve records indefinitely for purposes of the Cobell, et al. v. Norton, et al. litigation. Therefore, we request that the Federal Records Centers continue to implement the freeze on all records from FMS Record Groups 39, 50 and 425 and preserve all such records until further notice.

If you have any questions, you may contact Charles Brett at (202) 874-6156. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon M. King".

Sharon M. King, Director  
Administrative Programs Division



## Official FMS Business

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**To:** Office of the Commissioner Debt Management Services Federal Finance Financial Operations  
Governmentwide Accounting Information Resources AC Management Regional Operations HQ Austin  
Birmingham Kansas City Philadelphia San Francisco

**Date:** 08/30/2007

**From:** William Higgins

**Subject:** Cobell and Tribal Trust Litigation – FMS Retention Requirements

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Date: August 27, 2007

To: All FMS Employees

From: Kenneth R. Papaj  
Commissioner

Subject: Cobell and Tribal Trust Litigation – FMS Retention Requirements

All FMS employees are again reminded that FMS remains subject to continuing court orders and Treasury directives, requiring us to retain and safeguard all documents, data and tangible things that relate to Individual Indian Money (IIM) and Tribal trust funds and assets, indefinitely.

Due to the large number of new tribal lawsuits that were filed in December 2006, new retention orders are now being entered in additional tribal cases (i.e., in addition to the orders entered in the Jicarilla and Laguna cases). As a result, ***this reminder includes one important change: the instruction to preserve voicemail messages now applies to all tribal-related voicemail messages, not just to Jicarilla- and Laguna-related voicemails.***

To ensure that we remain in compliance with all court orders and directives, please continue to adhere to the following FMS requirements:

Do not destroy any documents, data or tangible things unless you have received written approval from the Chief Counsel. This rule applies to all documents, data and tangible things, whether litigation-related or not. Prepare a disposition request, following the instructions contained in the Chief Counsel's March 7, 2000 memorandum entitled "Process for Obtaining Disposition Approval" (posted on the FMS intranet on the "Cobell/Tribal Litigation" page). The only exception to this rule is for "obvious non-record materials," as described in the attached "Quick Reference Guide."



Continue copying or forwarding all Cobell-related and Tribal-related e-mail and other electronic documents to their respective dedicated mailboxes (“Cobell Archive@fms” for IIM-related e-mail/electronic documents and “Tribal Mailbox@fms” for Tribal-related e-mail/electronic documents). To insert a mailbox address on an e-mail, simply type “Cobell” or “Tribal” and press the “Enter” key. You may delete your copy of any e-mail or other electronic document sent to these mailboxes.

Promptly forward any voicemail messages that relate to **any tribe** to FMS’ dedicated “Tribal” voicemail repository. Following are step-by-step instructions for forwarding voicemail messages to the repository:

Press “1” after (or while listening to) a new or saved message;

Then press “2” to forward with comment;

Voice a comment to include (1) the tribe’s name when applicable, e.g., “Message for Tribal mailbox-Crow tribe,” (2) the identity of the caller, (3) the time and date of the message, (4) the duration of the message, and (5) the caller’s extension, and press #;

Enter extension 91313, and press #;

After the prompts, press #, and then press # again to send (forward).

Do not archive (move) data from any FMS electronic production systems that contain litigation-related data, except pursuant to a written archive plan that has been approved by the Commissioner’s Office. Please refer to the Deputy Commissioner’s March 24, 2000 memorandum entitled “Maintenance of Data on FMS Systems” (posted on the FMS intranet on the “Cobell/Tribal Litigation” page) for more information about this requirement.

Do not attempt to give guidance on record retention matters to Federal Reserve Bank personnel. Please refer all such questions to Terri Dawson at (202) 874-6877 or to Beth Kramer at (202) 874-7036.

I appreciate your continued compliance with these instructions and encourage you to review the pertinent memoranda posted on the FMS intranet. To locate the memoranda, double click on the icon for Internet Explorer. This moves you to FMS’ intranet. Under “News” or “Hot Topics,” click on “Cobell/Tribal Litigation.”

If you have questions or need assistance regarding any of these retention requirements, please do not hesitate to contact Terri Dawson at (202) 874-6877 or Beth Kramer at (202) 874-7036.

Thank you.

Attachment

## “A Quick Reference Guide”

**REMEMBER: PRESERVE ALL INTERIOR/INDIAN-TRUST-RELATED MATERIAL!!**

### OBVIOUS NONRECORD MATERIALS

These may be destroyed without the approval of the Chief Counsel

Categories	Examples
<b>1. Non-Treasury/FMS Material</b>	Office supply catalogs vendor marketing materials non-FMS publications/manuals, such as phone books, Federal Register, dictionaries, "Lotus Notes for Dummies," etc.
<b>2. Treasury/FMS Distribution/Reference Material</b>	attendee's copy of handouts received at meetings, training, etc. employee's copy of work-related organization charts, phone lists, Treasury Correspondence Manual, etc. employee's copy of FMS publications, such as "Fiscal Scene" excess stocks of FMS marketing materials, such as Direct Deposit brochures notices received re: IT security, scheduling of meetings & van rides, training, "acting" managers, voting leave, etc.
<b>3. Personal Papers</b>	notices received re: retirements, deaths, TSP, CFC, PTI, Flex Account, etc. employee's copy of T&A, payroll, personnel, etc. records ( <u>except</u> travel records/receipts) printouts of non-Federal Web pages that were not used for FMS business non-FMS-related calendars/reminders recipes, poems, cartoons, etc.
<b>4. Other</b>	printer banner pages and printer failure reports interim drafts created but never circulated to anyone duplicates of any of the examples in these four categories.

**[Click here for more information on Cobell Litigation](#)**

Nancy Fleetwood/BPD

08/29/2007 10:59 AM

To All - BPD (Business use only!)

cc IIM Mailbox@BPD

Subject Individual Indian Money

I'd like to remind all employees that BPD remains subject to a court order that governs the retention of records relating to the Individual Indian Money (IIM) trust fund and IIM trust assets. To ensure compliance with this court order, you should not destroy any documents or data pertaining to the following subjects without written approval from the Chief Counsel or his designee:

- IIM deposit fund investment records;
- IIM accounts and accounts held in trust by the Department of the Interior;
- Savings bonds held in trust form of registration by the Department of the Interior;
- Correspondence (internal and external) relating to Individual Indian Money; and
- Electronic communications, such as e-mails and Internet messages, relating to the subject above, unless those communications have been forwarded to the *Cobell* mailbox.

You should continue to copy or forward all e-mails relating to the IIM trust fund, IIM trust assets, and the *Cobell* litigation to the dedicated IIM Mailbox. To insert the mailbox address on an e-mail, simply type "IIM Mailbox" and press the "Enter" key.

The Federal Reserve Banks have also been instructed not to destroy any fiscal agency records unless they have received specific permission in writing from Treasury authorizing the destruction. Please refer any inquiries from FRB personnel regarding record retention to Jimmy Phillips at (202) 504-3683, fax number (202) 504-3630. Don't attempt to give guidance on record retention matters to any FRB employee.

I appreciate your continued compliance with these instructions and encourage you to occasionally review the pertinent memoranda and e-mails, which are posted on PD Web under the Office of the Chief Counsel's (OCC) website. Just click on the office link "OCC" and then click on "*Cobell v. Kempthorne*," which appears in the "Litigation" section.

Thanks again for the great support you have shown in helping Public Debt comply with a very challenging court order.